


**Remarks**

The Office Action made final and dated February 9, 2006, again rejected claims 25-28 and 30-34 as being anticipated by U.S. Patent No. 5,566,045 to Summerfelt et al. Pending claims 29 and 35 were deemed allowable.

In response, applicant has filed a RCE and makes the following amendment. In the amendment, applicant has amended independent claim 25 to incorporate the subject matter of dependent claim 29, and amended claim 30 to incorporate the subject matter of dependent claim 35. Dependent claims 29 and 35 have been canceled accordingly. As such, pending claims 25-28 and 30-34 are allowable over the art of record.

Applicant has also added new independent claims 36 and 41, as well as dependent claims 37-40 and 42-45. Independent claims 36 and 41 recite in combination "a second layer disposed on a top surface of the first layer, such that side surfaces of the first layer remain exposed . . . and a third layer disposed on top and side surfaces of the second layer and on the exposed side surfaces of the first layer . . . ." The art of record, and Summerfelt et al. in particular, fails to suggest or disclose this relationship between the first, second, and third layers forming a capacitor structure adapted for use in a semiconductor device. As such, new claims 36-45 are allowable over the art of record.

Respectfully submitted,  
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